

AUSTRALIAN CAPITAL TERRITORY

Gaming Machine Ordinance 1987

No. 34 of 1987

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AUSTRALIAN CAPITAL TERRITORY

Gaming Machine Ordinance 1987

No. 34 of 1987

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 29 June 1987.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

G. SCHOLES
Minister for State for Territories

An Ordinance relating to gaming machines

PART I—PRELIMINARY

Short title

1. This Ordinance may be cited as the *Gaming Machine Ordinance 1987*.¹

Commencement

2. This Ordinance shall come into operation on such date as is fixed by the Minister of State for Territories by notice in the *Gazette*.

Repeal

3. The Ordinances specified in the Schedule are repealed.

Interpretation

4. In this Ordinance, unless the contrary intention appears:

“Authority” means the Australian Capital Territory Gaming and Liquor Authority established by section 4 of the *Australian Capital Territory Gaming and Liquor Authority Ordinance 1987*;

“bar-room” has the same meaning as in the *Liquor Ordinance 1975*;

“class A gaming machine” means a gaming machine:

- (a) that is designed to be operated only by the insertion of a coin into the machine;
- (b) that is a single coin machine;
- (c) that is so designed that winnings are payable only by the discharge of coins from the machine; and
- (d) in respect of which the value of any winnings payable in connection with a game of chance played upon the machine is not more than 40 times the amount of stake moneys paid in respect of that game;

“class B gaming machine” means a gaming machine:

- (a) that is a single-coin machine or a multi-coin machine;
- (b) that is so designed that winnings are payable:
 - (i) by the discharge of coins from the machine;
 - (ii) by the registration of a credit of coins on the machine; or
 - (iii) in some other manner; and
- (c) of a kind that is declared by the Minister, by notice in writing published in the *Gazette*, to be class B gaming machines;

“class C gaming machine” means a gaming machine:

- (a) that is a single-coin machine or a multi-coin machine;
- (b) that is so designed that winnings are payable:
 - (i) by the discharge of coins from the machine;
 - (ii) by the registration of a credit of coins on the machine; or
 - (iii) in some other manner; and

(c) of a kind that is specified in the regulations to be class C gaming machines;

“club” means a body corporate that is the holder of a Club Licence;

“Club Licence” means a Club Licence under the *Liquor Ordinance 1975*;

“determined fee” means the fee determined pursuant to section 66 for the purposes of the provision in which the expression appears;

“gaming machine” means a device:

(a) that is intended to be used for the purpose of playing a game of chance;

(b) that is designed to be operated, wholly or in part:

(i) by the insertion of a coin or coins into the device; or

(ii) by the utilization of a credit of coins registered on the device; and

(c) in respect of which, as a result of playing a game of chance upon the device, winnings may become payable to a person operating the device;

“General Licence” means a General Licence under the *Liquor Ordinance 1975*;

“inquiry” means an inquiry held by the Authority pursuant to section 9;

“inspector” means an inspector appointed under section 7;

“licence” means a gaming machine licence issued under section 16;

“licensed premises” means premises in respect of which a licence is in force;

“licensee” means a person who holds a licence;

“liquor” means a beverage that contains more than 1.15 per cent by volume of ethyl alcohol;

“member” means a member of the Authority;

“multi-coin machine” means a gaming machine:

- (a) that is so designed that a person playing a game of chance upon the machine may elect to apply 1 coin or more than 1 coin in respect of that game;
- (b) that, for the purpose of playing a game of chance upon the machine, is so designed that not more than 5 coins may be applied in respect of that game; and
- (c) that is not designed to receive coins of a denomination above 10 cents;

“On Licence” means an On Licence under the *Liquor Ordinance 1975*;

“percentage pay-out” means:

- (a) in relation to a class A gaming machine or class C gaming machine—the number (expressed as a percentage) calculated in accordance with the formula:

$$\mathbf{A + B}$$

where:

A represents the proportion (expressed as a percentage) of the number of coins (being a number not less than the number calculated by raising the number of the letters, numbers, symbols or representations on any reel in the machine to the power equal to the number of reels) inserted into, or applied in connection with the use of, the machine during a period that will be discharged or registered by the machine in the course of its operation; and

B represents the proportion (expressed as a percentage) of the value of all coins inserted into, or applied in connection with the use of, the machine during that period that will be paid by the licensee as winnings to persons operating the machine; and

- (b) in relation to a class B gaming machine—the number (expressed as a percentage) calculated in accordance with the regulations;

“Registrar” means the Registrar of Gaming Machines appointed under section 6;

“secretary”, in relation to a club, includes a person concerned in the management of the club;

“senior member” means the senior member of the Authority;

“single-coin machine” means a gaming machine:

- (a) that, for the purpose of playing a game of chance upon the machine, is not designed to receive more than 1 coin in respect of that game; and
- (b) that is not designed to receive coins of a denomination above 20 cents.

Relationship with other laws

5. Notwithstanding any other law of the Territory:

- (a) a person who is the holder of a Club Licence, General Licence or On Licence does not commit an offence by reason only of the installation, in accordance with this Ordinance, of a gaming machine on the premises to which the Licence applies; and
- (b) a person does not commit an offence by reason only of the operation of a gaming machine on premises to which a Club Licence, General Licence or On Licence applies.

PART II—ADMINISTRATION

Registrar

6. (1) There shall be a Registrar of Gaming Machines who shall be an officer or employee within the meaning of the *Public Service Act 1922* appointed in writing by the Secretary to the Department.

(2) In addition to the duties required to be performed by the Registrar under this Ordinance, the Registrar shall perform such other duties as the Authority from time to time directs.

Inspectors

7. (1) The Secretary to the Department may, by instrument in writing, appoint such persons as the Secretary considers necessary to be inspectors for the purposes of this Ordinance.

(2) In addition to the duties required to be performed by an inspector under this Ordinance, an inspector shall perform such other duties as the Authority or Registrar from time to time directs.

(3) The Secretary to the Department shall issue to a person appointed under subsection (1) a certificate signed by the Secretary certifying that the person is an inspector for the purposes of this Ordinance.

Register of licences

8. The Registrar shall keep a register of licences and shall enter in the register particulars of the issue, renewal, variation, transfer, suspension or cancellation of licences and such other particulars as the Authority directs.

PART III—INQUIRIES BY AUTHORITY

Conduct of inquiries

9. (1) For the purposes of considering or dealing with a matter under this Ordinance, the Authority may hold an inquiry.

(2) Where an inquiry is to be held by the Authority, the Authority shall fix a time and place for the inquiry.

(3) The Authority may adjourn an inquiry from time to time.

(4) The procedure at an inquiry is within the discretion of the Authority.

(5) At an inquiry, the Authority may take evidence on oath or affirmation and, for that purpose, a member may administer an oath or affirmation.

(6) In conducting an inquiry, the Authority is not bound by rules of evidence but may inform itself in such manner as it thinks fit.

(7) At an inquiry, a person appearing before the Authority may be represented by a barrister and solicitor who may examine witnesses and address the Authority on behalf of the person for whom he or she appears.

Power to summon witnesses

10. The senior member or the Registrar may, by writing signed by him or her served on a person, summon the person to attend an inquiry at a time and place specified in the summons:

- (a)** to give evidence; and
- (b)** to produce such books, documents or writings in the custody or control of the person as the person is required by the summons to produce.

Inspection of documents by Authority

11. (1) A member may:

- (a) inspect any document produced at an inquiry; and
- (b) make copies of, or take extracts from, such parts of the document as are relevant to a matter the subject of the inquiry.

(2) The Authority may, for the purposes of an inquiry, take, and retain for as long as is necessary for those purposes, possession of a document produced at an inquiry but:

- (a) the person otherwise entitled to possession of the document is entitled to be supplied, as soon as practicable, with a copy certified by a member to be a true copy and the certified copy shall be received in all courts as evidence as if it were the original; and
- (b) until the certified copy is supplied, the Authority shall, at such times and places as it thinks appropriate, permit the person otherwise entitled to possession of the document, or a person authorised by that person, to inspect and make copies of or take extracts from the document.

(3) In this section, “document” includes any book or other writing.

Protection

12. (1) An action or proceeding, civil or criminal, does not lie against a member for or in respect of an act or thing done in good faith by the member in connection with an inquiry.

(2) A barrister and solicitor appearing at an inquiry has the same protection and immunity as a barrister and solicitor has in appearing for a party in proceedings in the Supreme Court.

(3) A witness summoned to attend or appearing at an inquiry has the same protection as a witness in proceedings in the Supreme Court.

Offences in connection with inquiries

13. (1) A person served with a summons to attend an inquiry shall not refuse or fail, without reasonable excuse:

- (a) to attend the inquiry; or
- (b) to produce a book, document or writing in the person’s custody or control;

- (i) that the person is required by the summons to produce; and
- (ii) that is relevant to the matter the subject of the inquiry.

Penalty: \$1,000 or imprisonment for 6 months, or both.

(2) A person appearing as a witness at an inquiry shall not, without reasonable excuse:

- (a) refuse or fail to be sworn or to make an affirmation; or
- (b) refuse or fail to answer a question relevant to the proceedings that the person is required by a member to answer.

Penalty: \$1,000 or imprisonment for 6 months, or both.

(3) A statement or disclosure made before the Authority by a witness is not, except in proceedings for giving false testimony at an inquiry, admissible in evidence against the person in civil or criminal proceedings in a court.

PART IV—LICENCES

Division 1—Issue of licences

Application for licence

14. (1) An application for the grant of a licence may be made by:

- (a) a club;
- (b) a person who is the holder of a General Licence; or
- (c) a person who is the holder of an On Licence;

in relation to the premises of the club, or the premises in respect of which the General Licence or On Licence applies, as the case may be.

(2) An application for the grant of a licence:

- (a) shall be in writing and signed:
 - (i) in the case of an application by a natural person—by the applicant;
 - (ii) in the case of an application by a club—by the Secretary of the club; and
 - (iii) in the case of an application by a body corporate other than a club—by a director of the body corporate on behalf of the body corporate;

- (b) shall be lodged with the Registrar;
- (c) shall state the full name and address:
 - (i) in the case of an application by a natural person—of the applicant; and
 - (ii) in the case of an application by a body corporate—of each director of the body corporate;
- (d) shall be accompanied by a plan of the premises to which the application relates indicating the room or area in which it is proposed to install gaming machines;
- (e) shall specify the class, number and type of gaming machines in respect of which the licence is sought; and
- (f) in the case of an application by a club—shall be accompanied by:
 - (i) a copy of the constitution and rules of the club; and
 - (ii) a list of names, in alphabetical order, and addresses of all members of the club at the date of the application, certified by the secretary of the club to be correct.

Grant or refusal of licence

15. (1) Subject to sections 18, 19 and 20, the Authority shall grant an application for a licence unless:

- (a) the applicant refuses or fails to comply with a requirement of the Authority under subsection (2);
- (b) the application does not comply with the requirements of section 14;
- (c) the size and layout of the premises to which the application relates are not suitable for the installation and use of gaming machines;
- (d) in the case of an application by a natural person—the applicant has not attained the age of 18 years or is not of good fame and character;
- (e) in the case of an application by a body corporate—any of the directors of the body corporate is a person who has not attained the age of 18 years or is not of good fame and character; or
- (f) in the case of an application by a club—the constitution and rules of the club prohibit the playing of games of chance for money on the premises of the club.

(2) The Authority may, by notice in writing, require an applicant to furnish to it, either orally or in writing, such further information relating to the application as is specified in the notice.

Issue of licence

16. (1) Where the Authority grants an application for a licence in relation to premises, it shall, on payment by the applicant of the determined fee, issue to the applicant a gaming machine licence in relation to the premises.

(2) Notwithstanding the number and type of gaming machines specified in an application for the grant of a licence, the Authority may determine the number and type of gaming machines to be specified in the licence issued under subsection (1) having regard to:

- (a) the size and layout of the premises to which the application relates;
- (b) the size and layout of the room or area in which it is proposed to install gaming machines;
- (c) in the case of an application by a club—the number of members of the club; and
- (d) such other matters as are relevant.

Percentage pay-out

17. (1) The Authority shall determine the percentage pay-out applicable to each gaming machine to which a licence relates.

(2) The Authority shall not determine a percentage pay-out that is less than 80 per cent or more than 90 per cent.

(3) The percentage pay-out applicable to each gaming machine shall be specified in the licence.

Conditions for issue of licences—gaming machines

18. (1) A licence shall not be issued to a club except in respect of class B gaming machines or class C gaming machines.

(2) A licence shall not be issued in respect of premises to which a General Licence applies:

- (a) where the premises contain not less than 12 rooms that are for use as residential accommodation for lodgers:
 - (i) except in respect of class A gaming machines or such class B gaming machines as are prescribed;

- (ii) in respect of more than 3 class A gaming machines;
- (iii) in respect of more than 3 class B gaming machines; or
- (iv) in respect of a number of gaming machines that is greater than such number as is equal to twice the number of bar-rooms on the premises; and

(b) where the premises do not contain any rooms that are for use as residential accommodation for lodgers or contain less than 12 such rooms:

- (i) except in respect of class A gaming machines; or
- (ii) in respect of more than 2 gaming machines.

(3) A licence shall not be issued in respect of premises to which an On Licence applies:

- (a) except in respect of class A gaming machines; or
- (b) in respect of more than 2 gaming machines.

Conditions for issue of licences—ballots

19. (1) A licence shall not be issued to a club unless the Authority is satisfied that, at a ballot conducted on behalf of the Authority, the majority of the members of the club who voted in the ballot voted in favour of the installation and use of gaming machines on the premises of the club.

(2) A ballot referred to in subsection (1) shall be conducted by the Registrar in the prescribed manner, at the request of the Authority.

(3) In this section, “members” does not include honorary members.

Conditions for issue of licences—premises

20. (1) A licence shall not be issued in respect of premises to which a General Licence applies, being premises that do not contain any rooms that are for use as residential accommodation for lodgers or contain less than 12 such rooms, unless, in respect of the period of 12 months immediately preceding the making of the application for the gaming machine licence:

- (a) the volume of liquor disposed of at the premises in pursuance of the General Licence exceeded 30,000 litres or such other volume as is prescribed; or
- (b) where there was a disruption to trading at the premises due to unforeseen circumstances beyond the control of the holder of the General Licence or to building work being carried on at the

premises—the volume of liquor that, in the opinion of the Authority, would have been disposed of at the premises in pursuance of the General Licence but for that disruption exceeds 30,000 litres or such other volume as is prescribed.

(2) A licence shall not be issued in respect of premises to which an On Licence applies unless:

- (a) the premises have, for a continuous period of not less than 12 months immediately preceding the making of the application for the gaming machine licence, been the subject of an On Licence;
- (b) the installation and use on the premises of gaming machines are not likely to affect adversely:
 - (i) the nature or character of the premises; or
 - (ii) the general use of the premises or enjoyment of persons using the premises; and
- (c) the premises are primarily used by persons for the consumption of liquor.

Authority conferred by licence

21. A licence authorises the licensee:

- (a) to install on the premises to which the licence relates; and
- (b) to use on those premises:
 - (i) if the premises are premises of a club—at any time at which the premises are open to members of the club; and
 - (ii) if the premises are other premises—at any time at which the premises are open for the sale of liquor;

the class, number and type of gaming machines specified in the licence.

Division 2—Variation and transfer of licences

Variation of licence

22. (1) The Authority shall, at the request of a licensee, approve a variation of the licence for the purpose of reducing the number, or altering the type, of gaming machines to which the licence relates.

(2) The Authority may, at the request of a licensee, having regard to:

- (a) the size and layout of the licensed premises; and
- (b) where the licensee is a club—the number of members of the club;

approve a variation of the licence for the purpose of increasing the number of gaming machines to which the licence relates.

(3) The Authority shall not approve the variation of a licence under subsection (2) if the number of gaming machines of a particular class to which the licence, as varied, would apply would exceed the maximum number of gaming machines of that class in respect of which the licence could have been issued.

(4) Where the Authority approves the variation of a licence, the Authority shall, as soon as practicable after the receipt by it of the licence:

- (a) vary the licence in the appropriate manner; and
- (b) forward the licence as varied to the licensee.

Transfer of licence

23. **(1)** The Authority may approve the transfer of a licence issued in respect of premises to which a General Licence or On Licence applies to a person who is eligible for the grant of such a gaming machine licence.

(2) An application for the transfer of a licence:

- (a) shall be in writing and signed:
 - (i) in the case of an application by a natural person—by the applicant; and
 - (ii) in the case of an application by a body corporate—by a director of the body corporate on behalf of the body corporate;
- (b) shall be lodged with the Registrar; and
- (c) shall state the full name and address:
 - (i) in the case of an application by a natural person—of the applicant; and
 - (ii) in the case of an application by a body corporate—of each director of the body corporate.

(3) The Authority shall not approve the transfer of a licence:

- (a) that has been cancelled;
- (b) that has ceased to be in force by virtue of subsection 25 (3);
- (c) at any time during which a suspension of the licence is in force; or

(d) at any time after giving a person under subsection 24 (2) an opportunity of showing cause why the licence should not be suspended or cancelled and before the date on which the decision of the Authority whether so to cancel or suspend the licence is made.

(4) Where the Authority approves the transfer of a licence, the licensee shall lodge with the Authority:

- (a) the licence;
- (b) the repair book of gaming machines kept in connection with the licence pursuant to section 33; and
- (c) such of the accounts kept in connection with the licence pursuant to section 54 as relate to moneys taken during the month then current together with such other accounts kept in connection with the licence pursuant to that section as the Authority requires.

(5) The Authority shall:

- (a) upon receipt by it of the licence and repair book and accounts referred to in subsection (4); and
- (b) upon payment by the licensee of:
 - (i) the amount determined under subsection 57 (1) in respect of the month immediately preceding the month in which the licence is received by the Authority;
 - (ii) any amounts outstanding under that subsection; and
 - (iii) any amounts payable under subsection 57 (3);

endorse on the licence a memorandum of the transfer and deliver the licence and the repair book and accounts to the person to whom the licence is transferred.

Division 3—Suspension and cancellation of licences

Suspension and cancellation of licences—general

24. (1) The Authority may suspend a licence for such period as the Authority thinks fit or until the Authority otherwise determines, or cancel a licence where:

- (a) the licence was obtained by fraud or misrepresentation;
- (b) any gaming machines on the licensed premises were acquired, installed or used contrary to this Ordinance;

- (c) the licensee has failed to comply with section 31;
- (d) the Authority:
 - (i) refuses, under section 31, to approve rules submitted by the licensee; or
 - (ii) is satisfied that the licensee has not made reasonable efforts to enforce rules approved by the Authority under that section;
- (e) the licensee has failed to keep a repair book of gaming machines, or to enter particulars in the repair book, in accordance with section 33;
- (f) the licensee is convicted of an offence against this Ordinance;
- (g) in the case of a licence issued in respect of premises to which an On Licence applies—the premises have ceased to be used by persons primarily for the consumption of liquor.

(2) Before suspending or cancelling a licence, the Authority shall conduct an inquiry and give the licensee an opportunity of showing cause why the licence should not be suspended or cancelled, as the case may be.

(3) A licence shall not be taken to be in force during the period for which it is suspended.

Suspension of licences etc. in particular circumstances

25. (1) Where a Club Licence, General Licence or On Licence relating to premises in respect of which a gaming machine licence applies is not renewed under the *Liquor Ordinance 1975*, the gaming machine licence ceases to be in force.

(2) Where a Club Licence, General Licence or On Licence relating to premises in respect of which a gaming machine licence applies is suspended under the *Liquor Ordinance 1975*, the gaming machine licence is suspended for the period of suspension of the Club Licence, General Licence or On Licence, as the case may be.

(3) Where a Club Licence, General Licence or On Licence relating to premises in respect of which a gaming machine licence applies is cancelled under the *Liquor Ordinance 1975*, the gaming machine licence ceases to be in force.

(4) A licence shall not be taken to be in force during the period for which it is suspended.

Cancellation of licences—clubs

26. (1) At any time after the expiration of the period of 12 months after the installation in accordance with a licence of gaming machines on premises of a club, application may be made to the Authority for the cancellation or non-renewal of the licence.

(2) An application under subsection (1):

- (a) shall be in writing;
- (b) shall be signed by not less than 25 per cent of the members of the club; and
- (c) shall be lodged with the Registrar.

(3) At the request of the Authority, the secretary of the club in connection with which the application is made shall furnish to the Registrar a list of names, in alphabetical order, and addresses of all members of the club at the date of the application, certified by the secretary to be correct.

Penalty: \$500.

(4) The Registrar shall, at the request of the Authority, conduct a ballot in the prescribed manner for the purposes of this section.

(5) If, at a ballot conducted pursuant to subsection (4), the majority of the members of the club who vote in the ballot vote in favour of the cancellation or non-renewal of the licence held by the club, the Authority shall cancel the licence or shall not renew the licence, as the case may be.

(6) In this section, “members” does not include honorary members.

Division 4—General**Term of licence**

27. Subject to this Ordinance, a licence remains in force for the period of 12 months commencing on the date of issue of the licence but may be renewed in accordance with section 28.

Renewal of licence

28. The Authority shall, on an application being made, and on payment of the determined fee, before the expiration of the term of the licence, renew the licence for the period of 12 months commencing on the day immediately following the day on which, but for its renewal, the licence would have expired.

Issue of copy of licence

29. Where the Authority is satisfied that a licence in force under this Ordinance has been lost or destroyed, it may, upon payment of the determined fee, issue to the licensee a copy of the licence and that copy has, for the purposes of this Ordinance, the same force and effect as the licence.

Display of licence

30. Except where a licensee ceases to have possession of a licence as a result of the licence being forwarded to the Authority for the purposes of subsection 22 (4) or 23 (4), the licensee shall cause the licence to be displayed in a conspicuous position on the licensed premises.

Penalty:

- (a) in the case of a natural person—\$500; and
- (b) in the case of a body corporate—\$2,500.

PART V—CONTROL OF GAMING MACHINES

Division 1—Administration

Rules to control use of gaming machines

31. (1) A licensee shall, within 30 days after being issued with a licence:

- (a) adopt rules to control the use of gaming machines on the licensed premises; and
- (b) forward a copy of the rules to the Authority for approval.

(2) The Authority may:

- (a) approve the rules; or
- (b) refer the rules back to the licensee for amendment and specify a period within which the rules, as amended, are required to be resubmitted to the Authority.

(3) A licensee shall comply with a requirement under subsection (2).

Register of gaming machines

32. (1) A licensee shall keep a register of the gaming machines that are installed on the licensed premises.

(2) The particulars required to be entered in the register in relation to each gaming machine shall be entered under a distinct number that shall correspond with a number displayed on the machine.

(3) The following particulars shall be entered in the register in relation to each gaming machine installed on licensed premises:

- (a) the number of the machine;
- (b) the type of the machine;
- (c) the class of the machine;
- (d) the percentage pay-out determined by the Authority in respect of the machine; and
- (e) such other particulars as the Authority requires.

Penalty:

- (a) in the case of a natural person—\$500; and
- (b) in the case of a body corporate—\$2,000.

Repair book

33. (1) A licensee shall keep a repair book of gaming machines.

(2) A licensee shall enter in the repair book details of any period during which, and of the reason why, a gaming machine on the licensed premises was not in operation.

(3) Where a person repairs or adjusts a gaming machine, whether by opening the machine or not, the person shall enter in the repair book:

- (a) such particulars as are necessary to clearly identify the machine;
- (b) the date on which the repair or adjustment was made;
- (c) particulars of the nature of the repair or adjustment; and
- (d) such other particulars as the Authority requires.

(4) An entry made in the repair book in relation to a gaming machine pursuant to subsection (3) shall be signed by the person who repaired or adjusted the machine.

Collection and repairer's certificates

34. (1) The Authority may issue a collection certificate in respect of licensed premises to:

- (a) a person who is a member of a club that is the holder of a licence;
- (b) a director of a body corporate that is the holder of a licence;

- (c) a person who is employed by a licensee on licensed premises; or
- (d) a person nominated by a licensee, being a licensee who is a natural person.

(2) Upon:

- (a) an application being made by a person to the Authority for a repairer's certificate; and
- (b) payment to the Authority of the determined fee;

the Authority may issue a repairer's certificate to the person.

(3) A collection certificate or repairer's certificate remains in force for a period of 12 months from the date on which it is issued but may be renewed for successive periods of 12 months.

(4) The Authority may refuse to issue a collection certificate or repairer's certificate, or may cancel any such certificate issued, to a person if:

- (a) the person is convicted of an offence against this Ordinance; or
- (b) the person is not, or ceases to be, a fit and proper person to hold the certificate.

(5) The Authority may cancel a collection certificate issued to a person if:

- (a) the person ceases to be a person who is eligible to be issued with a collection certificate; or
- (b) in the case of a collection certificate issued to a person referred to in paragraph (1) (d)—the nomination of the person is withdrawn by the licensee.

(6) Where a collection certificate or repairer's certificate:

- (a) expires and is not renewed; or
- (b) is cancelled;

the person who held the certificate shall surrender it to the Authority within 7 days after the expiry of the certificate, or the receipt by the person of notification of the cancellation, as the case may be.

(7) A person who fails to comply with subsection (6) is guilty of an offence punishable, on conviction, by a fine not exceeding \$500.

Division 2—Acquisition of gaming machines

Purchase of gaming machines

35. (1) A licensee shall not acquire gaming machines except in accordance with this Ordinance.

(2) A licensee may, in writing, authorise the Authority to purchase for the licensee the class, type and number of gaming machines specified in the authorisation.

(3) The Authority may vary an authorisation given under subsection (2) in such manner as it thinks fit in relation to the class, type or number of gaming machines to which the authorisation relates.

(4) Where the Authority varies an authorisation given to it by a licensee, the authorisation has effect, and shall be taken to have been given by the licensee, in the form as so varied.

Payment for gaming machines

36. (1) Where a licensee authorises the Authority to purchase gaming machines for the licensee, the licensee shall deposit with the Authority such sum of money as the Authority determines to be necessary for the purposes of satisfying:

- (a) the purchase price of the gaming machines to which the authorisation relates; and
- (b) any other expenses incidental to the purchase of the machines;

and the money shall be applied by the Authority for those purposes.

(2) Any money deposited by a licensee with the Authority under subsection (1) that is not applied by the Authority for the purposes for which it was deposited shall be refunded by the Authority to the licensee.

Procedure for purchasing gaming machines

37. (1) Subject to subsection (2), the procedure for the purchase of gaming machines by the Authority is as prescribed.

(2) The Authority shall not purchase a gaming machine unless:

- (a) the Authority has publicly invited tenders for the supply of the machine; and
- (b) the time for the submission of tenders in accordance with the invitation has expired.

(3) The Authority shall not purchase a gaming machine from a person unless the person is authorised under the law of a State or another Territory to sell devices, however described, that are the same as or similar to gaming machines.

(4) The Authority is not bound to accept the lowest or any tender submitted in accordance with an invitation under subsection (2).

Gaming machines to be equipped with control device

38. A gaming machine shall not be purchased by the Authority unless it is equipped with a sealed device that automatically records:

- (a) all actions of the machine, including the number of coins passing in and out of the machine; and
- (b) any adjustments of the machine.

Licensees may purchase gaming machines from each other

39. Notwithstanding section 37, a licensee may, with the approval of the Authority, acquire from another licensee gaming machines that were purchased by the Authority for that, or another, licensee.

Division 3—Installation of gaming machines

Installation to be in accordance with Ordinance

40. A licensee shall not install gaming machines on the licensed premises except in accordance with this Ordinance.

Penalty:

- (a) in the case of a natural person—\$1,000 or imprisonment for 6 months, or both; and
- (b) in the case of a body corporate—\$5,000.

Installation to be in accordance with approval of Authority

41. (1) A licensee shall not install gaming machines on the licensed premises except in a part of the premises approved by the Authority.

Penalty:

- (a) in the case of a natural person—\$500; and
- (b) in the case of a body corporate—\$2,500.

(2) In determining whether to approve a part of licensed premises for the installation of gaming machines, the Authority shall have regard to:

- (a) the material used in the surfacing of the floor, walls and ceiling of that part of the premises;
- (b) the treatment applied or steps taken in that part of the premises for the purpose of reducing noise;
- (c) the means adopted for heating, cooling, ventilating and lighting that part of the premises;
- (d) any furnishing of that part of the premises; and
- (e) the provision of toilet and washing facilities for persons using the gaming machines.

Installation not to constitute a nuisance

42. A licensee shall so locate gaming machines on the licensed premises as not to constitute a nuisance (either by the location of the machines or by the noise generated by the use of the machines) to persons on the premises.

Penalty:

- (a) in the case of a natural person—\$500; and
- (b) in the case of a body corporate—\$2,500.

Division 4—Use of gaming machines

Prohibition of use of gaming machines

43. During any period in which a licence is not in force, the person who held the licence shall not knowingly permit a person to operate a gaming machine on the premises to which the licence related.

Penalty:

- (a) in the case of a natural person—\$1,000 or imprisonment for 6 months, or both; and
- (b) in the case of a body corporate—\$5,000.

Operation to be subject to correct percentage pay-out

44. A licensee shall not permit a gaming machine on the licensed premises to be operated, except for the purposes of repair or adjustment, at a time when the percentage pay-out of the machine is not the percentage pay-out determined by the Authority in respect of that machine.

Penalty:

- (a) in the case of a natural person—\$5,000; and
- (b) in the case of a body corporate—\$25,000.

Linked jackpot arrangements for clubs

45. (1) A licensee shall not operate a linked jackpot arrangement involving gaming machines installed on the licensed premises.

Penalty:

- (a) in the case of a natural person—\$5,000 or imprisonment for 2 years, or both; and
- (b) in the case of a body corporate—\$25,000.

(2) Subsection (1) does not apply in relation to the operation by a club on the premises of the club of a linked jackpot arrangement for which approval has been given by the Authority under this section.

(3) In this section:

“jackpot”, in relation to a gaming machine, means the combination of letters, numbers, symbols or representations on the reels of the machine for which is payable the maximum winnings applicable to that machine in respect of any one combination;

“linked jackpot arrangement” means an arrangement whereby 2 or more gaming machines are linked to a device, being a device:

- (a) that records, from time to time, an amount that, in the event of a jackpot being obtained on one of those machines, is payable as additional winnings in connection with that jackpot;
- (b) that, for the purpose of recording the amount referred to in paragraph (a), receives messages from each machine to which it is linked; and
- (c) that is not capable of affecting the percentage pay-out of, or transmitting a message to, a machine to which it is linked.

Division 5—Regulation of gaming machines generally

Checking and adjustment etc. of gaming machines

46. (1) A person shall not, in relation to a gaming machine installed on licensed premises:

- (a) open the machine;
- (b) check money contained in the machine;
- (c) remove money from the machine; or
- (d) place money into the machine otherwise than for the purpose of playing a game of chance upon the machine;

unless the person is an authorised person.

Penalty: \$1,000.

(2) A person shall not repair or adjust a gaming machine installed on licensed premises unless the person is the holder of a repairer's certificate.

Penalty: \$1,000.

(3) In this section, "authorised person", in relation to a gaming machine installed on licensed premises, means:

- (a) a person who is the holder of a collection certificate issued under section 34 in respect of the premises;
- (b) the licensee, being a natural person, of the premises; and
- (c) a person who is the holder of a repairer's certificate issued under section 34.

Interference with gaming machines

47. (1) A person shall not:

- (a) do any act or thing calculated or likely to interfere with the operation of a gaming machine;
- (b) insert or cause to be inserted into a gaming machine any object or thing other than a coin of the denomination specified on the gaming machine;
- (c) do any act or thing calculated to interfere with a gaming machine in such a manner as to cause the machine to yield a reward less than or greater than the percentage pay-out determined by the Authority in respect of that machine; or
- (d) do any act or thing calculated to render a gaming machine, either temporarily or otherwise, incapable of forming a winning combination.

Penalty:

- (a) in the case of a natural person—\$10,000 or imprisonment for 5 years, or both; and
- (b) in the case of a body corporate—\$50,000.

(2) Nothing in subsection (1) applies in relation to any act or thing done in good faith in connection with the repair or adjustment of a gaming machine by a person who is the holder of a repairer's certificate issued under section 34.

Opening of sealed device

48. A person, other than an inspector, shall not open the sealed device referred to in section 38 with which a gaming machine is equipped.

Penalty:

- (a) in the case of a natural person—\$5,000 or imprisonment for 2 years, or both; and
- (b) in the case of a body corporate—\$25,000.

Percentage pay-out of gaming machines to be displayed

49. A licensee shall cause to be clearly displayed on each gaming machine on the licensed premises the percentage pay-out determined by the Authority in respect of that machine.

Penalty:

- (a) in the case of a natural person—\$500; and
- (b) in the case of a body corporate—\$2,500.

Sealing of gaming machines

50. Where a licence ceases to be in force, an inspector shall, at the request of the Authority, seal the gaming machines on the premises to which the licence related so as to preclude the use of the machines:

- (a) if the licence ceased to be in force by virtue of the expiration of the licence or by virtue of subsection 25 (1)—until the machines are removed from the premises;
- (b) if the licence ceased to be in force by virtue of the suspension of the licence—during the period of the suspension of the licence;
- (c) if the licence ceased to be in force by virtue of the cancellation of the licence:
 - (i) until the machines are removed from the premises; or

- (ii) until the decision of the Authority cancelling the licence is, following an appeal against that decision, set aside by the Supreme Court;

whichever first occurs; and

- (d) if the licence ceased to be in force by virtue of subsection 25 (3):

- (i) until the machines are removed from the premises; or
- (ii) until that subsection ceases, by virtue of section 53, to apply in relation to the licence;

whichever first occurs.

Removal of gaming machines from premises

51. (1) A person who held a licence shall, where applicable circumstances have occurred, remove, within the required period, any gaming machines from the premises to which the licence related.

Penalty:

- (a) in the case of a natural person—\$1,000 or imprisonment for 6 months, or both; and
- (b) in the case of a body corporate—\$5,000.

(2) For the purposes of subsection (1), applicable circumstances shall be taken to have occurred:

- (a) where a licence expires or ceases to be in force by virtue of subsection 25 (1);
- (b) where:
 - (i) a licence is cancelled or ceases to be in force by virtue of subsection 25 (3);
 - (ii) the period within which an appeal against the relevant decision may be made has expired; and
 - (iii) an appeal has not been instituted in relation to the decision;
- (c) where:
 - (i) a licence is cancelled or ceases to be in force by virtue of subsection 25 (3); and

- (ii) an appeal against the relevant decision having been instituted, the appeal has been withdrawn, struck out or determined otherwise than by a decision of the Supreme Court after a hearing; or
- (d) where:
 - (i) a licence is cancelled or ceases to be in force by virtue of subsection 25 (3); and
 - (ii) an appeal against the relevant decision having been instituted, the appeal has been determined by the Supreme Court by affirming the decision of the Authority.

(3) In this section:

“relevant decision”, in relation to a licence, means:

- (a) where the licence was cancelled—the decision of the Authority under this Ordinance cancelling the licence; and
- (b) where the licence ceased to be in force by virtue of subsection 25 (3)—the decision of the Authority under the *Liquor Ordinance 1975* cancelling the Club Licence, General Licence or On Licence, as the case may be, relating to the premises in respect of which the gaming machine licence applied;

“required period” means:

- (a) in the circumstances referred to in paragraph (2) (a)—the period of 14 days after the expiration of the licence or the licence ceased to be in force, as the case requires;
- (b) in the circumstances referred to in paragraph (2) (b)—the period of 14 days after the expiration of the period referred to in subparagraph (2) (b) (ii);
- (c) in the circumstances referred to in paragraph (2) (c)—the period of 14 days after the appeal is withdrawn, struck out or otherwise determined; and
- (d) in the circumstances referred to in paragraph (2) (d)—the period of 14 days after the determination of the appeal;

or such further period as the Authority, whether before or after the expiration of the relevant period of 14 days, by instrument in writing, approves.

PART VI—APPEALS**Appeals**

52. (1) Where the Authority makes a decision:

- (a) refusing an application for the grant of a licence under section 15;
- (b) issuing a licence under section 16 in respect of which the number or type of gaming machines specified in the licence varies from the number or type of gaming machines specified in the application for the grant of the licence;
- (c) suspending or cancelling a licence under section 24 or 26;
- (d) refusing to renew a licence under section 28;
- (e) refusing to issue a copy of a licence under section 29;
- (f) refusing to issue a collection certificate or repairer's certificate under subsection 34 (4);
- (g) refusing to renew a collection certificate or repairer's certificate under subsection 34 (3);
- (h) cancelling a collection certificate or repairer's certificate under subsection 34 (4) or (5);
- (i) varying an authorisation under subsection 35 (3); or
- (j) refusing to give an approval for the purposes of subsection 22 (2), section 23, subsection 31 (2), section 39, 41, 45 or 51 or subsection 56 (1);

the Authority shall, within 7 days of making the decision, give to the licensee or person affected by the decision a notice in writing of the decision stating the reasons for the decision.

(2) A person to whom a notice under subsection (1) is given may, within 30 days after the date of receipt of the notice, appeal to the Supreme Court against the decision to which the notice relates.

- (3)** The appeal under this section shall be by way of a re-hearing.
- (4)** The Authority shall be the respondent on an appeal under this section.
- (5)** The Supreme Court may:
 - (a) affirm, set aside or vary the decision of the Authority;
 - (b) give such judgement as the Court considers just; or

- (c) make such other order as justice requires.

Revocation of certain decisions of Authority

53. Where:

- (a) a licence ceased to be in force by virtue of subsection 25 (3);
- (b) an appeal is instituted against the decision of the Authority under the *Liquor Ordinance 1975* cancelling the Club Licence, General Licence or On Licence, as the case may be, relating to the premises in respect of which the gaming machine licence applied; and
- (c) the appeal is determined by the Supreme Court by setting aside the decision;

subsection 25 (3) shall cease to apply in relation to the gaming machine licence and the licence continues in force by force of this section.

PART VII—FINANCE

Accounts relating to gaming machines

54. A licensee shall:

- (a) keep full and separate accounts of all money taken from each gaming machine on the licensed premises;
- (b) keep the accounts in such a manner that they can be conveniently and properly audited; and
- (c) correctly balance the accounts at the end of each month.

Penalty:

- (a) in the case of a natural person—\$10,000 or imprisonment for 5 years, or both; and
- (b) in the case of a body corporate—\$50,000.

Falsifying records etc.

55. (1) A licensee shall not, with intent to defraud:

- (a) destroy, alter, mutilate or falsify any book, document or writing (not forming part of the accounts of the licensee) required to be kept or made by the licensee under this Ordinance; or

- (b) make, or cause to be made, a false entry in, or omit or alter, or cause to be omitted or altered, an entry in, any such book, document or writing.
- (2) A director, officer, clerk or servant, or any person acting as a director, officer, clerk or servant, of a club shall not, with intent to defraud, acquire any property of the club.

Penalty:

- (a) in the case of a natural person—\$10,000 or imprisonment for 5 years, or both; and
- (b) in the case of a body corporate—\$50,000.

Audit of accounts

56. (1) A licensee shall, as soon as practicable after the end of each financial year:

- (a) cause the accounts relating to the operation of gaming machines on the licensed premises during that year to be audited by a person approved by the Authority; and
- (b) prepare, or cause to be prepared, an income and expenditure statement relating to the operation of gaming machines on the licensed premises during that year.

(2) A licensee shall, within 1 month after the preparation of an income and expenditure statement, lodge with the Authority a copy of the statement certified as being correct by the person who prepared it, together with a report stating, as at the end of the period to which the statement relates:

- (a) the class, number and type of gaming machines installed on the licensed premises;
- (b) where the licensee is a club:
 - (i) the number of members of the club; and
 - (ii) the manner in which the club expended the profits from the machines; and
- (c) such other particulars as the Authority requires.

Distribution of income from gaming machines

57. (1) A licensee:

- (a) shall, at the end of each month, set aside in the accounts of the licensee an amount equal to the prescribed percentage of the gross revenue derived by the licensee from the operation of gaming machines on the licensed premises during that month; and
- (b) shall, before the fifteenth day of the next following month, pay that amount to the Authority.

(2) Where a licence is transferred, the person by whom the licence was transferred shall, within 15 days of the date of transfer, pay to the Authority an amount equal to the prescribed percentage of the gross revenue derived by the person as a licensee from the operation of gaming machines on the licensed premises during the period that commenced on the first day of the month in which the transfer occurred and ended at the expiration of the day of transfer.

(3) Where the amount referred to in subsection (1) or (2) is not paid in accordance with that subsection, interest, at such rate as is prescribed, is payable in respect of that amount to the Authority by the licensee or other person by whom the amount is payable.

(4) In this section:

“bonus prizes” means the winnings paid by a licensee, in addition to jackpots, in connection with a linked jackpot arrangement;

“gross revenue” means all revenue derived by a licensee from moneys inserted into gaming machines by persons using the machines, after deducting:

- (a) the amount of money taken from the machines as winnings by persons using the machines; and
- (b) the amount of money paid as winnings, excluding bonus prizes, by the licensee to persons in connection with the use of the machines;

“jackpots” and “linked jackpots arrangements” have the same meanings respectively as in section 45;

“prescribed percentage”, in relation to a licensee, means:

- (a) where the licensee is a club—10 per cent or such other percentage as the Minister, by notice in writing published in the *Gazette*, determines; and

(b) where the licensee is a person other than a club—30 per cent or such other percentage as the Minister, by notice in writing published in the *Gazette*, determines.

Penalty:

(a) in the case of a natural person—\$5,000; and
(b) in the case of a body corporate—\$25,000.

Payments for community purposes

58. The Authority shall, not later than the fifteenth day of each month, pay to the Commonwealth for the purposes of the Australian Capital Territory Community Development Fund established as a Trust Account under section 62A of the Audit Act:

(a) any money received by the Authority under section 57 before the fifteenth day of the preceding month; and
(b) any interest received by the Authority in respect of that money.

Application of moneys of Authority

59. (1) The gaming machine moneys of the Authority shall be applied by the Authority:

(a) in paying the costs and expenses incurred by the Authority in connection with the carrying out of its functions referred to in paragraphs 5 (1) (i), (j) and (k) of the *Australian Capital Territory Gaming and Liquor Authority Ordinance 1987* and its functions under this Ordinance; and
(b) in paying to members of the Authority and the Chief Executive of the Authority allowances, fees and remuneration that are referable to the functions referred to in paragraph (a).

(2) In this section, “gaming machine moneys of the Authority” means:

(a) the income from fees for the issue or renewal of licences and the issue of copies of licences;
(b) the income from fees for the issue under this Ordinance of repairer’s certificates; and
(c) any other income (not including amounts paid to the Authority in accordance with subsection 36 (1)) derived by the Authority under this Ordinance.

PART VIII—MISCELLANEOUS

Power of entry of inspectors

60. (1) An inspector may enter licenced premises:

- (a) in the case of premises of a club—at any time at which the premises are open to members of the club; and
- (b) in the case of other premises—at any time at which the premises are open for the sale of liquor.

(2) Where an inspector enters premises pursuant to subsection (1), the inspector may:

- (a) inspect:
 - (i) the premises;
 - (ii) any gaming machines on the premises;
 - (iii) the use of gaming machines on the premises; and
 - (iv) any documents, books or records relating to the gaming machines or the use of the gaming machines; and
- (b) make copies of, or take extracts from, any of the documents, books or records.

(3) Where an inspector enters premises pursuant to subsection (1), the inspector is not authorised to remain on the premises if, on request by or on behalf of the person apparently in charge of the premises, the inspector does not produce the certificate issued to the inspector under subsection 7 (3).

Obstruction of inspector

61. A person shall not, without reasonable excuse, obstruct or hinder an inspector in the exercise of his or her powers under this Ordinance.

Penalty:

- (a) in the case of a natural person—\$2,000 or imprisonment for 12 months, or both; and
- (b) in the case of a body corporate—\$10,000.

Conduct by directors, servants or agents

62. (1) Where, in proceedings for an offence against this Ordinance in respect of any conduct engaged in by a body corporate, it is necessary to

establish the state of mind of the body corporate, it is sufficient to show that a director, servant or agent of the body corporate, being a director, servant or agent by whom the conduct was engaged in within the scope of his or her actual or apparent authority, had that state of mind.

(2) Any conduct engaged in on behalf of a body corporate:

- (a) by a director, servant or agent of the body corporate within the scope of his or her actual or apparent authority; or
- (b) by any other person at the direction or with the consent or agreement (whether express or implied) of a director, servant or agent of the body corporate, where the giving of such direction, consent or agreement is within the scope of the actual or apparent authority of the director, servant or agent;

shall be deemed, for the purposes of this Ordinance, to have been engaged in also by the body corporate.

(3) A reference in subsection (1) to the state of mind of a person includes a reference to the knowledge, intention, opinion, belief or purpose of the person and the person's reasons for his or her intention, opinion, belief or purpose.

Offences may be dealt with summarily

63. (1) Any proceedings in respect of an offence against this Ordinance that is an indictable offence may be heard and determined by a court of summary jurisdiction where:

- (a) the court is satisfied that it is proper to do so; and
- (b) the defendant and prosecution both consent to the offence being so dealt with.

(2) Where a person is convicted of an offence that has been dealt with under this section, the court may impose a fine not exceeding \$2,000 or imprisonment for a period not exceeding 12 months, or both.

Evidentiary certificates

64. (1) In proceedings for an offence against this Ordinance, a certificate signed by the Registrar stating that the person specified in the certificate was or was not on a date or dates or during the period specified in the certificate the holder of a licence is evidence of the matters so stated.

(2) For the purposes of subsection (1), a document that purports to have been signed by the Registrar shall be taken to have been so signed unless the contrary is proved.

Signing of documents

65. A licence, certificate, notice, communication or other document to be issued, made, sent or given by the Authority may be signed by the senior member, or by the Registrar, on behalf of the Authority.

Power of Minister to determine fees

66. The Minister may, by notice in writing published in the *Gazette*, determine fees for the purposes of this Ordinance.

Regulations

67. The Minister may make regulations, not inconsistent with this Ordinance, prescribing matters:

- (a) required or permitted by this Ordinance to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance;

and, in particular, may make regulations prescribing penalties not exceeding a fine of \$500 for offences against the regulations.

PART IX—TRANSITIONAL

Interpretation

68. In this Part:

“commencement date” means the date of commencement of this Ordinance;

“continued licence” means a gaming machine licence that is to be deemed to have been issued to a club pursuant to subsection 71 (1);

“former Ordinance” means the *Gaming Machine Ordinance 1987* as in force immediately before 1 January 1991;

“former Ordinance” means the *Poker Machine Control Ordinance 1975*.

Registrar

69. The person who, immediately before the commencement date, was the Registrar of Poker Machines under the former Ordinance shall be deemed to

have been appointed, on the commencement date, by the Secretary to the Department under section 6 to be the Registrar of Gaming Machines.

Inspectors

70. A person who, immediately before the commencement date, was an Inspector of Poker Machines for the purposes of the former Ordinance shall be deemed to have been appointed, on the commencement date, by the Secretary to the Department under section 7 to be an inspector for the purposes of this Ordinance.

Licences

71. (1) A club that, immediately before the commencement date, was the holder of a Poker Machine Licence under the former Ordinance, shall, on the commencement date, be deemed to have been issued with a gaming machine licence by the Authority under section 16 in relation to the premises of the club.

(2) A continued licence remains in force, subject to this Ordinance, for the unexpired period for which the Poker Machine Licence was issued under the former Ordinance and, for the purposes of this Ordinance, the Poker Machine Licence shall be deemed to be the continued licence.

(3) A continued licence has effect, on and after the commencement date, as if:

- (a) it had been issued in respect of a number, and type, of class C gaming machines that is equal to, and corresponds with, the number and type of poker machines to which the Poker Machine Licence related; and
- (b) the percentage pay-out determined under the former Ordinance for each poker machine to which the Poker Machine Licence related:
 - (i) had been determined by the Authority under section 17 of this Ordinance in relation to the gaming machines to which the continued licence is to be taken to apply; and
 - (ii) were specified in the continued licence.

Rules

72. (1) Where a continued licence applies in relation to a club, the rules to control the operation of poker machines on the premises of the club that were adopted and approved under the former Ordinance shall, on the commencement date, be deemed:

- (a) to have been adopted by the club under section 31 as rules to control the use of gaming machines on the premises; and

(b) to have been approved by the Authority under that section as such rules.

(2) Rules that are to be deemed to have been adopted and approved under subsection (1) have effect, on and after the commencement date, as if any reference in the rules to poker machines were a reference to gaming machines.

Certificates

73. (1) A person who, immediately before the commencement date, was the holder of a Collection Certificate under the former Ordinance in respect of premises shall, on the commencement date, be deemed to have been issued with a collection certificate by the Authority under section 34 in respect of those premises.

(2) A person who, immediately before the commencement date, was the holder of a Repairman's Certificate under the former Ordinance shall, on the commencement date, be deemed to have been issued with a repairer's certificate by the Authority under section 34.

(3) A collection certificate or repairer's certificate deemed to have been issued to a person by virtue of subsection (1) or (2) remains in force, subject to this Ordinance, for the unexpired period for which the Collection Certificate or Repairman's Certificate, as the case may be, was issued under the former Ordinance.

Fees

74. A fee determined by the Minister under section 51A of the former Ordinance in relation to a matter shall, on and after the commencement date, continue to be the fee applicable to the matter under this Ordinance that corresponds with that matter as if the fee had been determined by the Minister under section 66.

SCHEDULE

Section 3

ORDINANCES REPEALED

Poker Machine Control Ordinance 1975

Poker Machine Control (Amendment) Ordinance 1977

Poker Machine Control (Amendment) Ordinance 1979

Poker Machine Control (Amendment) Ordinance (No. 2) 1979

Poker Machine Control (Amendment) Ordinance 1981

Poker Machine Control (Amendment) Ordinance 1982

NOTE

1. Notified in the *Commonwealth of Australia Gazette* on 30 June 1987.